



382793

ILLINOIS POLLUTION CONTROL BOARD

January 10, 1980

OLIN CORPORATION,

Petitioner,

v.

ENVIRONMENTAL PROTECTION AGENCY,

Respondent.

PCB 79-234

199 862 AAB

OPINION OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon variance petition filed November 8, 1979 by Olin Corporation (Olin) a Virginia corporation. The petition requests a variance from Rules 104, 203(e) and 206(b) of Chapter 2: Air Pollution Control Regulations. The requested variance from the particulate and carbon monoxide emission standards would allow operation, without a compliance program, of two small explosive waste incinerators near Marion, Williamson County. These incinerators are the subject of a proposed site-specific regulation before the Board in R78-9. In an Order entered December 13, 1979 the Board proposed to grant Olin a site-specific rule change. This variance would allow interim operation. Olin has received similar variances in the past, the last of which expired July 1, 1979 (PCB 78-242, 32 PCB 169, November 30, 1978). The Board takes official notice of the record in those proceedings. The Environmental Protection Agency (Agency) filed a recommendation on December 13, 1979. At a recent hearing in R78-9 the Agency agreed to expedited consideration of this petition since there is a safety hazard involved in accumulating explosive waste. On December 13, 1979 the Board entered an Order granting Olin the requested variance with conditions.

The details of the incinerators and their effect on air quality are discussed in the Opinion in R78-9 and will not be repeated here. The Board finds that it would be an arbitrary and unreasonable hardship not to allow Olin to operate the incinerators during the notice and comment period. A hearing recently held in the regulatory proceeding produced no adverse comment and the Agency has received no public comment on the variance request.

The conditions of the variance are similar to those recommended by the Agency and follow the conditions of the proposed site-specific Rule 203(e)(6). The Agency recommended limiting the operating rate of the incinerators. However, there is no basis in the record for the numbers chosen. The Board has instead

limited the hours of operation in both the variance and the Proposed Order. The Agency also asked that Olin be ordered to comply with Chapter 9: Special Waste Handling Regulations. This condition has been omitted since there is no indication that Olin is not in compliance. Olin will be subject to the applicable provisions of Chapter 9 regardless of this variance.

The Agency believes the variance is approvable as a revision to the State Implementation Plan (SIP). The Agency requests a public hearing to afford citizens an opportunity to object and to meet the provisions of §110 of the Clean Air Act. Although there has been ample opportunity for objection in R78-9 and pursuant to the Agency's advertisement for comments to the variance request under Procedural Rule 403(b), the Board agrees that technical compliance with the notice requirements of the Clean Air Act may be necessary for SIP approval. Rather than delay grant of the variance the Board has made this hearing a condition. In the event there is public objection, the variance will expire six weeks after the hearing. In this case Olin may file a new variance petition or request reconsideration under Procedural Rule 334.

This Opinion, together with the Board's Order of December 13, 1979, constitute the Board's findings of fact and conclusions of law in this matter.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 10th day of January, 1980 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
November 30, 1978

RECEIVED IN THE
OFFICE OF THE DIRECTOR

OLIN CORPORATION,)
)
Petitioner,)
)
v.) PCB 78-242
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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PATRICK O. BOYLE, ESQ., ATTORNEY AT LAW, APPEARED ON BEHALF OF
THE PETITIONER.

REED W. NEUMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF
OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a variance petition filed by Olin Corporation on September 1, 1978 requesting relief from Rules 104, 203(e) and 206(b) of the Chapter 2: Air Pollution Control Regulations for a period of five years. The Environmental Protection Agency (Agency) filed a recommendation on October 5, 1978. The Agency in recommending a grant of the variance also notes that a variance from Rule 103(b) of Chapter 2 is necessary. A hearing in this matter was held on November 2, 1978.

Olin manufactures explosive products and operates a pyro-technic destructor incinerator (destructor) and a retort destructor incinerator (retort) in Williamson County, near Marion, Illinois. Olin has been operating under a series of variances since January 1, 1974. The latest in this series was PCB 76-213, 24 PCB 339 (1976) granting Olin variance until December 6, 1978.

Petitioner uses the incinerators to burn explosives or explosive contaminated wastes and is unable to achieve compliance because both the destructor and retort require a large amount of excess combustion air to properly incinerate explosive wastes without resulting in an explosion. This firing method results in very little carbon dioxide in the source's emissions, but when the emissions are corrected to twelve per cent carbon dioxide, the emissions are apparently in excess of the allowable rates for particulates, and when the carbon monoxide emission rate is corrected to fifty per cent excess air the emission level is in excess of the allowable limits for carbon monoxide.

During the period of the last variance, PCB 76-213, both the destructor and the retort were operated below the maximum firing

rates allowed in the conditions of that variance. Condition 4 of that variance, requiring that the retort be operated no more than two hours in any one week, apparently was not met. The Agency states that this condition is not critical because the actual amount of waste destroyed in the retort during a year's time is below the allowed amount of 52,000 pounds. The other conditions of the variance were apparently met.

Petitioner has filed a proposal for a site specific rule change (R 78-9) to exempt the two sources from the provisions of Rules 103(b), 104, 203(e) and 206(b) of Chapter 2. The Agency is not presently aware of any control technology that would bring the two sources into compliance with the required standards. No objections to the variance had been received by the Agency at the time of the filing of the recommendation.

Dispersion estimates of the contaminants from each incinerator have been made (Pet. Ex. 4 at 7). These estimates indicate maximum concentrations under worst climactic conditions with a 5 m.p.h. wind will occur approximately 0.3 mile downwind from the stack. Maximum carbon monoxide concentration is estimated to be 0.82 ppm. National ambient air quality standards permit an 8 hour concentration of 9 ppm and an one hour concentration of 35 ppm. Maximum particulate concentration 0.3 mile downwind is estimated to be 25 micrograms per cubic meter and maximum concentration 0.6 mile downwind from the stack is estimated to be less than 10 micrograms per cubic meter. National primary air standards permit an annual geometric mean of 75 micrograms per cubic meter and a 24 hour concentration of 260 micrograms per cubic meter not to be exceeded more than once per year. Secondary ambient air quality standards for particulate matter are an annual geometric mean of 60 micrograms per cubic meter with a maximum 24 hour concentration of 150 micrograms. The incinerators are located in a strip mine spoil bank area with the nearest dwelling approximately 0.4 mile from the stack. The stack is located approximately two and three-fourths miles from the Marion air monitoring station. Because of the location and estimated dispersion pattern, Petitioner believes that operation of these incinerators will not prevent attainment of national ambient air quality standards or cause any harm to the public. Olin does have an Episode Action Plan which will be followed when notified of an air pollution episode. The Agency reports that Williamson County does not meet secondary National Ambient Air Standards for particulates and cannot presently be classified for carbon monoxide.

The Agency does recommend the grant of the variance to July 1, 1979 or until the Board adopts certain rule changes. The Board does find that Petitioner would suffer an arbitrary and unreasonable hardship if denied this variance. Petitioner's research has shown no better available technology (Pet. Ex. 4 at 4). The Agency does not dispute this. If the Board adopts the proposed regulation, R 78-9, Petition will be in compliance. This variance will be granted with conditions to meet the requirements of a delayed compliance order under the Clean Air Act. The Board notes that since Olin is not a major source (emissions over 100 tons per year) no warning of possible liability for non-compliance penalties is necessary. This variance will be granted to July 1, 1979 or the adoption by the Board of the site specific regulation, R 78-9, whichever occurs first. Considering that the economic impact study has not been completed, and after receipt of the study all the legal time requirements for notice and public comment required by the Environmental Protection Act, the Board's Procedural Rules and the Illinois Administrative Procedures Act, the Board notes it is highly unlikely that the regulatory proceeding, R 78-9, will be completed by July 1, 1979. However, the constraints of the Federal Clean Air Act give the Board no alternative concerning the July 1, 1979 termination of the variance.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

It is the Order of the Pollution Control Board that Olin Corporation is granted a variance from Rules 103(b), 104, 203(e), and 206(b) of the Chapter 2: Air Pollution Control Regulations for its pyrotechnic destructor incinerator and its retort destructor incinerator located in Williamson County, Illinois until the adoption of the site specific rule change R 78-9 or until July 1, 1979, whichever occurs sooner, subject to the following conditions:

1. That the Petitioner shall not operate its pyrotechnic destructor at a rate exceeding 400 pounds of scrap per hour, nor its retort incinerator at a rate of more than 500 pounds per hour.
2. Petitioner shall report monthly to the Agency the quantity of explosive wastes disposed of and the date and time of disposal.

3. Olin shall, within forty-five (45) days of the date of this Order, execute and send to John D. Williams, Technical Advisor, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance of this Variance by which it agrees to be bound by its terms and conditions. This forty-five (45) day period shall be held in abeyance for any period in which this matter is appealed. The form of said Certification shall be as follows:

CERTIFICATION

I (We), _____, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 78-242 hereby accept the said Order and agree to be bound by all terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of November, 1978 by a vote of 50.

Christan L. Moffett

Christan L. Moffett, Clerk
Illinois Pollution Control Board

(217) 782-2113

February 5, 1975

Permit Expiration Date:
January 31, 1976

OLIN CORPORATION
Post Office Drawer G
Marion, Illinois 62959

Attention: Mr. R. D. Altekruse

Reference

Application No. - O 4 01 0107
I. D. No. - 199 055 AAR 1973-1
Received - January 9, 1975
Operation of - Incinerator
Location - P.O. Drawer G, Rural
Marion, Illinois
Williamson County

Gentlemen:

Permit is hereby granted to operate the above-referenced equipment.

This permit is subject to the following conditions:

1. Standard conditions attached hereto and incorporated herein by reference.
2. The following special conditions:
 - a. The process weight rate shall not exceed 400 pounds per hour.

Very truly yours,

Keith J. Conklin, P.E.
Manager, Permit Section
Division of Air Pollution Control

AMT:jab

Williamson CD

0448000J212

AMMUNITION OPERATIONS
EAST ALTON, ILLINOIS 62024



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199055AAR

04010107
January 7, 1975

P. O. BOYLE
LEGAL COUNSEL

State of Illinois
Pollution Control Board
309 W. Washington Street, Suite 300
Chicago, Illinois 60606

Attention: Division of Air Pollution Control
Mr. Keith J. Conklin
Manager, Permit Section

Re: Permit Renewal

Dear Mr. Conklin:

On September 19, 1974, your office received our application to renew an incinerator permit for the destruction of explosive wastes in Williamson County. Action on the application was deferred pending the outcome of our variance petition in PCB 74-335. Attached hereto is a copy of the order granting our variance.

Please let me know if anything further is required.

Thank you for your cooperation.

Yours truly,

Patrick O. Boyle
Patrick O. Boyle

POB/ar

Attachment